

**ASSEMBLY BILL**

**No. 487**

**Introduced by Assembly Member Margett**

February 18, 1999

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An act to amend Sections 44830.2 and 45125.01 of the Education Code, relating to parks and recreation.

LEGISLATIVE COUNSEL'S DIGEST

AB 487, as introduced, Margett. Parks and recreation: districts: employee fingerprinting.

Under existing law, a county superintendent or school district, in situations involving multiple school districts, may agree among themselves to designate a single district or the county superintendent to act on behalf of the participating districts within the county to submit fingerprints to the Department of Justice, receive and review criminal history information, and maintain common lists of persons eligible for employment.

This bill would expand those provisions to include park and recreation districts.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 44830.2 of the Education Code is  
2 amended to read:  
3 44830.2. (a) For situations in which a person is an  
4 applicant for employment, or is employed on a part-time

1 or substitute basis, in a position requiring certification  
2 qualifications in multiple school districts *or park and*  
3 *recreation districts* within a county or within contiguous  
4 counties, the districts may agree among themselves to  
5 designate a single district, or a county superintendent  
6 may agree to act on behalf of participating districts within  
7 the county or contiguous counties, for the purposes of  
8 performing the following functions:

9 (1) Sending fingerprints to the Department of Justice.

10 (2) Receiving reports of convictions of serious and  
11 violent felonies.

12 (3) Reviewing criminal history records and reports of  
13 subsequent arrests from the Department of Justice.

14 (4) Maintaining common lists of persons eligible for  
15 employment *in participating schools or park and*  
16 *recreation districts*.

17 (b) The ~~school~~ district or county superintendent  
18 serving in the capacity authorized in subdivision (a) shall  
19 be considered the employer for purposes of subdivisions  
20 (a), (d), and (g) of Section 44830.1.

21 (c) Upon receipt from the Department of Justice of a  
22 report of conviction of a serious or violent felony, the  
23 designated ~~school~~ district or county superintendent shall  
24 communicate that fact to the participating districts and  
25 remove the affected employee from the common list of  
26 persons eligible for employment.

27 (d) Upon receipt from the Department of Justice of a  
28 criminal history record or report of subsequent arrest for  
29 any person on a common list of persons eligible for  
30 employment, the designated ~~school~~ district or county  
31 superintendent shall give notice to the superintendent of  
32 any participating district or a person designated in  
33 writing by that superintendent, that the report is  
34 available for inspection on a confidential basis by the  
35 superintendent or authorized designee, at the office of  
36 the designated ~~school~~ district or county superintendent,  
37 for a period of 30 days following receipt of notice, to  
38 enable the employing ~~school~~ district to determine  
39 whether the employee meets that district's criteria for  
40 continued employment. The designated ~~school~~ district or

1 county superintendent shall not release a copy of that  
2 information to any participating district or any other  
3 person, shall retain or dispose of the information in the  
4 manner required by law after all participating districts  
5 have had an opportunity to inspect it in accordance with  
6 this section, and shall maintain a record of all persons to  
7 whom the information has been shown that shall be  
8 available to the Department of Justice to monitor  
9 compliance with the requirements of confidentiality  
10 contained in this section.

11 (e) Any agency processing Department of Justice  
12 responses pursuant to this section shall submit an  
13 interagency agreement to the Department of Justice to  
14 establish authorization to submit and receive information  
15 pursuant to this section.

16 (f) All information obtained from the Department of  
17 Justice is confidential. Every agency handling  
18 Department of Justice information shall ensure the  
19 following:

20 (1) No recipient may disclose its contents or provide  
21 copies of information.

22 (2) Information received shall be stored in a locked file  
23 separate from other files, and shall only be accessible to  
24 the custodian of records.

25 (3) Information received shall be destroyed upon the  
26 hiring determination in accordance with subdivision (a)  
27 of Section 708 of Title 11 of the California Code of  
28 Regulations.

29 (4) Compliance with destruction, storage,  
30 dissemination, auditing, backgrounding, and training  
31 requirements as set forth in Sections 700 through 708,  
32 inclusive, of Title 11 of the California Code of Regulations  
33 and Section 11077 of the Penal Code governing the use  
34 and security of criminal offender record information is  
35 the responsibility of the entity receiving the information  
36 from the Department of Justice.

37 SEC. 2. Section 45125.01 of the Education Code is  
38 amended to read:

39 45125.01. (a) For situations in which a person is an  
40 applicant for employment, or is employed on a part-time

1 or substitute basis, in a position not requiring certification  
2 qualifications in multiple school districts *or park and*  
3 *recreation districts* within a county or within contiguous  
4 counties, the districts may agree among themselves to  
5 designate a single district, or a county superintendent  
6 may agree to act on behalf of participating districts within  
7 the county or contiguous counties, for the purposes of  
8 performing the following duties:

9 (1) Sending fingerprints to the Department of Justice.

10 (2) Receiving reports of convictions of serious and  
11 violent felonies, criminal history records and reports of  
12 subsequent arrests from the Department of Justice.

13 (3) Maintaining common lists of persons eligible for  
14 employment *in participating schools or park or*  
15 *recreation districts*.

16 (b) The school district or county superintendent  
17 serving in the capacity authorized in subdivision (a) shall  
18 be considered the employer for purposes of subdivisions  
19 (a) and (f) of Section 45125.

20 (c) Upon receipt from the Department of Justice of a  
21 report of conviction of a serious or violent felony, the  
22 designated ~~school~~ district or county superintendent shall  
23 communicate that fact to the participating districts and  
24 remove the affected employee from the common list of  
25 persons eligible for employment.

26 (d) Upon receipt from the Department of Justice of a  
27 criminal history record or report of subsequent arrest for  
28 any person on a common list of persons eligible for  
29 employment, the designated ~~school~~ district or county  
30 superintendent shall give notice to the superintendent of  
31 any participating district or a person designated in  
32 writing by that superintendent, that the report is  
33 available for inspection on a confidential basis by the  
34 superintendent or authorized designee, at the office of  
35 the designated ~~school~~ district or county superintendent,  
36 for a period of 30 days following receipt of notice to enable  
37 the employing ~~school~~ district to determine whether the  
38 employee meets that district's criteria for continued  
39 employment. The designated ~~school~~ district or county  
40 superintendent shall not release a copy of that

1 information to any participating district or any other  
2 person, shall retain or dispose of the information in the  
3 manner required by law after all participating districts  
4 have had an opportunity to inspect it in accordance with  
5 this section, and shall maintain a record of all persons to  
6 whom the information has been shown that shall be  
7 available to the Department of Justice to monitor  
8 compliance with the requirements of confidentiality  
9 contained in this section.

10 (e) Any agency processing Department of Justice  
11 responses pursuant to this section shall submit an  
12 interagency agreement to the Department of Justice to  
13 establish authorization to submit and receive information  
14 pursuant to this section.

15 (f) All information obtained from the Department of  
16 Justice is confidential. Every agency handling  
17 Department of Justice information shall ensure the  
18 following:

19 (1) No recipient may disclose its contents or provide  
20 copies of information.

21 (2) Information received shall be stored in a locked file  
22 separate from other files, and shall only be accessible to  
23 the custodian of records.

24 (3) Information received shall be destroyed upon the  
25 hiring determination in accordance with subdivision (a)  
26 of Section 708 of Title 11 of the California Code of  
27 Regulations.

28 (4) Compliance with destruction, storage,  
29 dissemination, auditing, backgrounding, and training  
30 requirements as set forth in Sections 700 through 708,  
31 inclusive, of Title 11 of the California Code of Regulations  
32 and Section 11077 of the Penal Code governing the use  
33 and security of criminal offender record information is  
34 the responsibility of the entity receiving the information  
35 from the Department of Justice.

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